UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1995/SR.48
7 March 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 February 1995, at 7 p.m.

Chairman: Mr. BIN HITAM (Malaysia)

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GE.95-11435 (E)

The meeting was called to order at 7.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

Report on the situation of human rights in Haiti (E/CN.4/1995/59) (continued)

1. Mr. ANTONIO (Haiti) recalled that in previous years his delegation had always been appreciative of reports on the situation of human rights in Haiti produced by the Special Rapporteur. The latest report (E/CN.4/1995/59) accurately described the situation which had developed since the end of military rule, and the Special Rapporteur had drawn attention to the various problems facing the new authorities in their attempts to normalize the situation. The need to implement the multinational and bilateral programmes of cooperation was greater than ever if the changes now under way were to be brought to fruition.

2. The Haitian authorities had shown their willingness to enter into dialogue with the Commission in order to improve the human rights situation, and the Special Rapporteur had drawn attention to the specific measures taken by the Government to promote respect for human rights, including the reorganization of the army, the separation of the police and army, the establishment of a new police force, the creation of a Ministry on the Status of Women, and the establishment of structures to allow elections. His Government believed that dialogue and cooperation with the Commission and the human rights advisory services would continue and would lead to the creation of a constitutional State and a fair judicial system.

3. Mr. HAREL (France), speaking on behalf of the European Union, delivered a statement which had also been supported by Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia. He noted that, despite the hopes expressed in the Universal Declaration of Human Rights, a world order based on respect for human rights remained an unfulfilled dream; indeed, during the previous year no part of the world had been free of human rights violations. While improvements had been observed in some countries, in many others there was no freedom of thought or opinion, discrimination was still practised against women and minorities, and the rights and dignity of the human person continued to be violated, with many cases of abuse, torture, extrajudicial executions and genocide.

4. The year 1994 had been one of both hopes and tragedies, particularly on the African continent. In South Africa, the first elections under a system of universal suffrage had taken place in April 1994, and the European Union urged the Government of National Unity to continue its efforts to build a non-racial society based on respect for human rights, the rule of law and non-discrimination. The Union was confident that those changes, inspired by exceptional individuals, would continue. The example of South Africa gave hope to all who wished for democracy, peace and respect for human rights.

5. On the other hand, Africa had also witnessed the unprecedented tragedy of Rwanda. The European Union reiterated its condemnation of all violence, summary executions and acts of genocide committed in that country, and called for the prosecution by the international tribunal of all those responsible for the massacres. It attached fundamental importance to national reconciliation as an essential means for encouraging the return of refugees, which, in view of the potential for destabilization in the region, should be given the highest priority. Only a comprehensive approach to the problem would help the Government of Rwanda to restore the rule of law and allow the safe return of refugees. The Union requested the Government of Rwanda to guarantee full respect for human rights and urged the international community to assist the Government in meeting that obligation. Human rights observers had been made available by individual Member States and a group of 36 observers from the Union would participate in the United Nations operation initiated by the High Commissioner for Human Rights.

6. In Burundi, the efforts made by all moderate elements of the population to achieve national reconciliation and strengthen the rule of law were to be welcomed. The European Union called on all parties involved to respect the coalition established by the majority and the opposition and noted that only through dialogue, a more effective Judiciary and the creation of a culture of tolerance could Burundi combat the hatred stirred up in the media and achieve a lasting settlement of the crisis. The Union again urged the community leaders in Burundi to guarantee peace and security for the entire population, reaffirmed its willingness to work with other partners in the development of the country, and supported cooperation between the Burundi authorities, the various United Nations bodies involved and OAU.

7. With regard to human rights in Equatorial Guinea, the European Union continued to follow the situation closely. While some progress had been made at the institutional level and there had been a significant reduction in the number of human rights violations, freedom of movement and civic rights in general were still restricted. The Union hoped that the municipal elections planned for 1995 would take place in an atmosphere of democracy and was ready to work with all parties concerned to ensure the success of the elections.

8. With regard to Liberia, the European Union was deeply concerned about the devastation caused by the five-year long civil war and the concomitant atrocities. It called on the armed factions involved to seek national reconciliation on the basis of the peace agreements signed in Cotonou in July 1993, in Akosombo in September 1994 and in Accra on 22 December 1994, while commending the efforts of President Rawlings to bring about peace.

9. In Somalia, some improvements had been made during the previous year. Famine had virtually disappeared and in some areas life had returned to normal. The European Union nevertheless remained concerned at the persistent or resurgent violence in certain areas. It condemned the atrocities perpetrated during the previous year against the population, the hostage-taking and the attacks against humanitarian workers, foreign journalists and United Nations troops. It urged all the parties concerned to show a genuine commitment to national reconciliation, which alone would lead

to peace and respect for human rights, and reiterated its willingness to help Somalis to seek a political solution after the departure of the United Nations forces.

10. The European Union urged the government authorities and opposition parties in Ethiopia to engage in dialogue to prevent certain political movements from boycotting the elections scheduled for 7 May 1995. The Ambassadors of the Union had frequently drawn the attention of the authorities to cases of detention of opposition activists and of pressure on the press.

11. The European Union urged the Government of Eritrea to persevere with the development of democratic institutions, to initiate a broad dialogue with the opposition and to respect human rights. It called upon the authorities to comply with the provisions of international human rights instruments and to allow access by humanitarian organizations to Eritrean prisons.

12. The European Union was concerned at the phenomenon of ethnic violence in Kenya, particularly certain recent incidents of forced relocation. It supported all efforts being made to reduce ethnic tensions and was convinced that the UNDP programme of assistance to displaced persons should be continued. It was vitally important that those responsible for the violence should be tried fairly and promptly.

13. As to the situation in Chad, the European Union deplored the violence inflicted on the civilian population in retaliation against the activities of political and military movements in the south of the country and the impunity enjoyed by those responsible. At the same time, it welcomed the gradual establishment of the juridical and institutional framework needed for the first pluralist elections. It called on all the parties concerned to persevere with their attempts to establish a consensus regarding the organization of the elections, as a precondition for the creation of a constitutional State.

14. The human rights situation in the Sudan, where the Government was responsible for the persecution of ethnic and religious minorities, was a matter of great concern. The United Nations Special Rapporteur had documented numerous cases of execution, disappearance and torture. The suspension of two press bodies in April 1994 and the destruction of displaced-person camps in the Khartoum area had also contributed to the difficult overall situation. With regard to the conflict in the south of the country, there was little prospect of a negotiated settlement. In previous statements, the European Union had already condemned the bombing of populations in the south and denounced the destruction of displaced-person camps. It urged the authorities to cooperate more closely with the humanitarian organizations and to strive for a negotiated settlement under the auspices of IGADD. It also urged the Government to cooperate with the United Nations Special Rapporteur and allow him to visit Sudanese territory.

15. As to the situation in Togo, the European Union urged the authorities to persevere with their efforts to create a constitutional State based on respect for human rights. It noted the progress which had been made in achieving reconciliation, in particular the amnesty law enacted in December 1994.

Priority now needed to be given to the establishment of institutions, the restoration of security for all and the creation of an impartial system of justice.

16. The European Union welcomed the obvious commitment of the Government of Mali to human rights, while deploring the continuing armed clashes with Tuaregs, and called for the "national pact" of April 1992 to be revived.

17. The peace agreement signed on 9 October 1994 in Ouagadougou between the Government of the Niger and the Tuareg rebel forces was a positive development. It had effectively ended acts of armed violence in the north of the Niger and paved the way for peaceful coexistence between the various peoples of the country. The European Union called on all parties concerned to implement the provisions of that agreement without delay.

18. With regard to Nigeria, the European Union was very concerned at the grave human rights violations which had occurred since the military coup of 17 November 1993, and particularly deplored the imprisonment of politicians, including Mr. Moshood Abiola, and trade union leaders, attacks on press freedom and on the independence of the Judiciary, and the enactment of repressive decrees with retroactive force. It called on the Government of Nigeria to restore democracy and the rule of law without delay.

19. It was regrettable that in Cameroon the establishment of political parties had not yet resulted in any real freedom of association for the parties concerned. Administrative censorship was still practised.

20. In Zaire, the Government was faced with the dissolution of State structures, corruption and general insecurity. An additional destabilizing factor was the presence in the Kivu region of 1.5 million refugees, and flagrant human rights violations were a regrettable common occurrence. However, the European Union welcomed the measures adopted by the Government to restore normality, urged it to persevere with its efforts, and emphasized the importance of the agreements concluded between the presidency and the opposition and the efforts made to ensure respect for human rights.

21. The European Union urged the Government of Angola to continue its efforts to promote human rights, notably by ratifying the international human rights instruments. It hoped that the peace agreements signed in Lusaka on 20 November 1994 would lead to a durable peace and the establishment of a genuine constitutional State. Nevertheless, it remained concerned at the frequency of violent incidents in certain areas, and the threat which those incidents posed to the implementation of the Lusaka peace agreements and the human rights situation in the country.

22. With regard to Malawi, the European Union welcomed the positive developments in the human rights situation since 1992 and the commitment of the democratic Government elected in May 1994 to achieving democracy and transparency.

23. In North Africa and the Middle East, the human rights situation was a source of great concern. In the light of the deteriorating situation in Algeria, the European Union condemned the unprecedented increase in the

violence perpetrated against Algerians and foreign nationals, and remained deeply concerned at the proliferation of violations of human rights and press freedom, particularly attacks on journalists. It appealed to all the parties concerned to respect human rights, in the conviction that a durable solution would be only achieved through dialogue between all those who rejected terrorism and violence.

24. With regard to the human rights situation in Libya, there was little cause for optimism. The European Union urged the authorities in Libya to comply fully with the Security Council resolutions on the Lockerbie bombing and the bombing of flight UTA 772.

25. In the Middle East, there were many obstacles to the peace process and consequently many difficulties facing the populations living in occupied and autonomous territories. The European Union enjoined all parties concerned to implement the Oslo agreements, and hoped that, irrespective of economic, social or political problems, human rights would not be neglected. Indeed, respect for human rights was a sine qua non for the success of the peace process. The Geneva Conventions were applicable in the Israeli occupied territories. It regretted that ICRC had so far not been granted access to the Kayam and Marjayoun detention centres in south Lebanon and recalled Israel's obligation to implement Security Council resolution 425 (1978). It reaffirmed its willingness to assist in the organization of the free and democratic elections so vital to the achievement of peace.

26. The European Union was closely following the human rights situation in Syria. It had engaged in dialogue with the Syrian authorities for a year, and the Government had taken some encouraging steps towards ending human rights violations, including the release of a number of political prisoners. However, much remained to be done, and the Syrian authorities were urged to take all necessary measures to ensure full respect for human rights.

27. The human rights situation in Iraq was a matter of grave concern. The reports of the Special Rapporteur had drawn attention to degrading practices, including arbitrary arrests, summary executions and mutilation. In that context, the European Union deplored the recent enactment of decrees providing for cruel and unusual punishments, such as mutilation for certain offences, and deplored the perverted use of medical services to such ends. The actions of the Baghdad authorities with regard to peoples in the south and north of the country continued to cause grave concern. The Special Rapporteur had recently confirmed that the draining of marshes in the south of the country was continuing, leading to the disappearance of entire villages and the displacement of the local population towards the Iranian border. The European Union condemned such flagrant violations of human rights, called on the Government of Iraq to comply with the terms of Security Council resolution 68 (1991), and urged it to stop the internal embargo which was causing privation for the populations of the north and south of the country.

28. The report drawing attention to human rights violations in Iran had also caused concern, in particular the most recent report by the United Nations Special Rapporteur. Those violations included a large number of executions, torture, and inhuman and degrading punishment inflicted on prisoners, the failure to respect international standards in the administration of justice,

and discrimination against members of the Baha'i community. The European Union was particularly concerned at the murder in 1994 of three representatives of the Iranian Protestant community. It deplored the continuing threats against Mr. Salman Rushdie and the continuing practice of assassinating opposition figures abroad. It called on the Government to cooperate fully with the Special Rapporteur, the Commission and the thematic reporters, while pledging itself to persevere with the dialogue which it had initiated with Iran in late 1992.

29. The European Union felt deep disquiet at the continued fighting in Afghanistan and its consequences for the population, especially in Kabul. It was now vital to end the war and restore the rule of law; in that connection the European Union supported the resolution adopted by the General Assembly on 20 December 1994. It endorsed the mission of Mr. Mestiri, and the negotiations which he had initiated to restore peace and normality, and urged other countries to refrain from interference. Consideration also needed to be given to strengthening humanitarian action through the international organizations.

30. In Kashmir, violations of human rights were continuing. The European Union took note of the efforts which had been made in 1994 by the Indian authorities in the sphere of human rights, and hoped that India would intensify those efforts by, inter alia, continuing to release political prisoners. It urged those authorities to grant human rights organizations immediate access to Kashmir and, in particular, to allow ICRC to visit prisons. It was vitally important that India and Pakistan should refrain from any action which might exacerbate the situation. Pakistan needed to take steps to prevent violence originating from the territories under its control, and both of the parties concerned should resume talks.

31. The European Union was also following the human rights situation in Bangladesh. It welcomed the extension of the cease-fire between the authorities and the "Shanti Bahini" movement, but remained concerned at the slow pace of the return of refugees. It urged the authorities to grant the request of the United Nations Special Rapporteur on extrajudicial, summary and arbitrary executions to visit the Chittagong Hill Tracts, and emphasized that the return of refugees from Myanmar must be voluntary. Measures were needed to combat intolerance and promote fundamental liberties, in particular freedom of opinion and expression. The Union particularly urged the Government to treat Mrs. Taslima Nasreen in accordance with its tradition of freedom of thought and in conformity with democratic procedures.

32. The European Union welcomed the decision by the authorities in Sri Lanka to establish an independent human rights commission and a committee responsible for investigating cases of arbitrary detention. It hoped that the emergency legislation would be repealed in the near future and welcomed recent measures taken by the Government to suspend the blockade of Jaffna. The dialogue between the authorities and the LTTE was a positive development, and it was to be hoped that the cease-fire would lead to political talks.

33. The violations of human rights and restrictions on fundamental liberties in China, including Tibet, continued to be a major source of concern to the European Union, which deplored the cases of administrative detention or detention without trial and re-education in labour camps. There had been

persistent reports of torture, in violation of China's obligations under the terms of the Convention against Torture. The Union urged China to ratify the other international instruments, especially the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The threat to the cultural and religious identity of the Tibetans through attacks on their heritage and the increasing immigration into Tibet of ethnic Chinese were especially worrying. The release of a number of dissidents was a positive step although new arrests had been made and dissidents had recently been sentenced to excessive terms of imprisonment. The Union urged the Chinese authorities to grant a general amnesty to all those detained for peacefully expressing their opinions.

34. The human rights situation in East Timor continued to be a source of great concern to the European Union, which urged the Indonesian authorities to act on their decision to open up the territory to NGOs and journalists. It noted with concern the events in Dili on 28 September 1994, in Dili and Jakarta in November 1994, and in Baucau in January 1995, and urged the Government to grant ICRC access to all detainees from East Timor and to comply with the decisions and declarations of the Commission.

35. The European Union had noted with concern the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions, who had visited East Timor in 1994. It also wished to express grave concern at reports of the execution in January 1995 of six civilians by Indonesian forces in the Ermera region. It hoped that the separate inquiries to be conducted by the military authorities and the national human rights commission would proceed without delay and that their findings would be published in full. The Union continued to support the dialogue between Portugal and Indonesia aimed at achieving a just and internationally acceptable settlement of the status of the territory, a settlement which would take account of the interests of the East Timorese themselves. It welcomed the fact that representatives of the East Timorese were now involved in the dialogue, and urged the Government to free the East Timorese leader Mr. Xanana Gusmao. The Union remained concerned about the human rights situation in Indonesia, and in particular the fate of a number of trade union leaders such as Mr. Mukhtar Pakpahan, whose sentence had recently been increased by the appeal court and whose right to a defence had not been fully respected.

36. The European Union wished to encourage Viet Nam in its course of opening up its society and creating a constitutional State. It noted with satisfaction that the Vietnamese authorities had agreed to a visit by a working group of the Commission to examine the question of arbitrary detention, but remained concerned at recent arrests of Buddhist dignitaries. It hoped that the Government would free all those deprived of their liberty for religious or political reasons.

37. With regard to Myanmar, the European Union hoped to engage in a "critical dialogue" with the authorities aimed at developing democracy and respect for human rights. It noted that the Government in Rangoon appeared to want greater economic and political openness and to be edging its way towards national reconciliation. Nevertheless, the Union was deeply concerned at the attack by government troops at Manerplaw against a number of opposition groups, which had resulted in an outflow of refugees. It appealed to the

Government to comply with its own declarations of intent regarding ethnic minorities, to strive for a peaceful resolution of current problems and to respect the fundamental rights of all ethnic groups. While recent initiatives by the SLORC, such as its dialogue with Mrs. Aung San Suu Kyi, had been encouraging, the Union remained concerned at the persistence of human rights violations, and appealed to the authorities to free Mrs. Aung San Suu Kyi and all political prisoners, allow free participation by the opposition in the drafting of the new Constitution and organize free elections. It hoped that dialogue between the SLORC and United Nations representatives would continue and that the elections would lead to the restoration of a civilian government.

38. The European Union remained concerned about the human rights situation in the Democratic People's Republic of Korea, whose Government continued to violate the human rights and fundamental freedoms of its citizens. The Union reiterated its appeal to the Government to comply with international human rights standards.

39. In Latin America, the European Union emphasized the efforts which had been made to consolidate democracy and the rule of law. It continued to condemn human rights violations and emphasized the need to punish the culprits.

40. The year 1994 had seen a positive outcome to the crisis in Haiti. The action taken by the international community to restore a constitutional order had borne fruit, and the European Union welcomed the return of President Aristide and the accession to power of the Government of Mr. Smark Michel. The restoration of a democratic Government gave grounds for hope that the human rights situation in that country might be further improved. The Union reaffirmed its readiness to cooperate with the Haitian authorities in their endeavours to establish a constitutional State and, above all, a judicial system capable of protecting all Haitians against arbitrary rule.

41. With regard to Cuba, the European Union deeply regretted the refusal by the authorities in that country to collaborate in any way with the United Nations Special Rapporteur, and the human rights situation remained precarious. Nevertheless, the visit to Cuba by the High Commissioner for Human Rights was encouraging and might mark the beginning of a fruitful dialogue. The Union called on the Cuban authorities to ratify the international human rights instruments without further delay.

42. The human rights situation in Peru had shown welcome signs of improvement and the European Union urged the authorities to continue in that direction. It emphasized the particular importance to the consolidation of democracy of transparent and impartial judicial procedures.

43. In Guatemala, despite the will of the Government and the President, there had been no significant improvement in the human rights situation, notwithstanding the agreements which had been signed by the Government and the URNG. The European Union hoped that the United Nations Mission (MINUGUA) and the action of the Independent Expert would be effective in combating the resurgent violence. It urged Guatemala to strengthen the authority of the

Human Rights Procurator, and endorsed the recent appeal by the Secretary-General for a more flexible and conciliatory attitude on the part of the Government and the URNG.

44. With regard to El Salvador, the European Union welcomed the progress which had been made towards implementing the peace agreements and reinforcing the rule of law, and commended the action of the Procurator for Human Rights and the efforts made by the ONUSAL Human Rights Division, which had given priority to strengthening national institutions. The Union hoped that the Government would continue to cooperate with the human rights mechanisms, in particular the Independent Expert.

45. The human rights situation in Colombia, and especially the high level of violence, continued to be matters of concern. The European Union commended the measures taken by the Government to improve the situation and its commitment to working with international human rights institutions; it urged the Government to implement the recommendations of the United Nations Special Rapporteurs and end all forms of impunity.

46. On the European continent and in the Member States of the Organization for Security and Cooperation in Europe (OSCE), the picture was a mixed one. In much of the former Yugoslavia, the human rights situation was still very gloomy. The European Union wished to pay tribute to the efforts made by the Special Rapporteur, Mr. Mazowiecki, in denouncing the effects of ethnic cleansing, and called for an increase in the resources available to the Special Rapporteur to enable him to continue his mission. The Union deplored the obstacles encountered by humanitarian organizations and UNPROFOR, and particularly condemned the use of humanitarian aid as a weapon of war. It also deplored the serious violations of press freedom in areas such as Serbia-Montenegro. It was particularly concerned at the violations of the human rights of the Albanian community in Kosovo and those perpetrated in other areas of Serbia-Montenegro, such as Sandjak and Vojvodina.

47. The European Union welcomed the fact that the international tribunal had started its work and urged all States to cooperate in bringing those responsible for war crimes and genocide to justice. It recalled its unwavering support for a negotiated settlement based on full respect for the rights of individuals, regardless of their origin.

48. In Turkmenistan, respect for human rights and civic liberties had not been adequately guaranteed. The European Union was very attentive to the restrictions of freedom of thought and measures taken against the opposition, and urged Turkmenistan to comply with its commitments within the OSCE by allowing the people of Turkmenistan to express their free democratic choice.

49. In Uzbekistan, the desire of the authorities to maintain stability and civil peace was understandable, but they were nevertheless obliged to honour commitments undertaken as members of the OSCE. The European Union took note of a number of gestures by the Government to improve the country's image and hoped that the trend would continue.

50. With regard to Tajikistan, it was regrettable that opposition representatives had not been allowed to participate in the elections of

26 February. Despite the undemocratic nature of those elections, the European Union urged other political forces in that country to strive for national reconciliation, in keeping with the spirit of the OSCE. In the view of the Union, the negotiations conducted under the aegis of the United Nations would offer the best opportunities for dialogue between the Government and the armed opposition.

51. In Georgia, despite the end of the civil war and the restoration of some degree of public order, political violence persisted and many refugees had been driven out of Abkhazia and Ossetia by the conflicts. The European Union called for a political settlement under the auspices of the OSCE and the United Nations, and welcomed the deployment of international forces, which had brought an end to massive human rights violations and "ethnic cleansing operations". However, it deplored the fact that the repatriation of refugees in Abkhazia had been stopped and that people in southern Ossetia had been subject to violent attacks. The Union called for the safe return of displaced persons to their home territories, in accordance with the relevant Security Council resolutions.

52. With regard to the conflict in Nagorno-Karabakh, the European Union welcomed the fact that the cease-fire had held, and hoped that the momentum for peace would eventually lead to a political settlement. It supported the efforts of the OCSE Minsk Group and commended the results achieved at the Budapest Summit in December 1994.

53. In Albania, the Government had made efforts to establish a constitutional State and carry through democratic reforms. In recent months, there had been amnesties, and it was to be hoped that that policy would continue. The European Union urged the Government to continue its political and economic reforms and to submit a new draft constitution to parliament as soon as possible. It again urged the Government to respect its commitments in the context of the OSCE and to respect the rights of minorities, including the Greek minority.

54. With regard to Cyprus, the continuing division of the island, which was causing its population great suffering, was unacceptable. A just and viable solution, with full respect for the sovereignty, independence, unity and territorial integrity of Cyprus in accordance with United Nations resolutions, should be sought. Similarly, a fresh impetus was needed in the search for missing persons.

55. The European Union was well aware of the difficulties facing Turkey in the south-east of the country. All acts of terrorism were reprehensible, but efforts to combat terrorism should be fully consistent with the rule of law and human rights. It was regrettable that the human rights situation in Turkey had not improved, and there was great concern at the continuing reports of violations. There had been particular consternation at the harsh verdict passed on eight DEP members of parliament and the appeal before the Court of Cassation was being followed closely. The European Union had noted with interest the draft amendments to the Constitution drawn up by Turkish political parties and hoped they would be introduced as soon as possible. It was essential that Turkey should cooperate with monitoring machinery set up by

the Commission and with the Committee against Torture. Access for human rights organizations and ICRC to institutions, including prisons, should be permitted.

56. With regard to the Russian Federation and events in Chechenya, there was no justification for the Russian army's excessive use of force, the suffering of civilians and combatants, the violation of international humanitarian law and the scale of destruction. The parties should agree to and respect a cease-fire. At all times, human rights should be respected and those guilty of violations, either of human rights or of international humanitarian law, should be brought to justice. Furthermore, humanitarian organizations should be allowed free access to all parts of the region. The Russian authorities' willingness to work with the OSCE was welcome, as were the plans for the Russian Federation to engage in dialogue with the High Commissioner for Human Rights.

57. In view of the unacceptable situations he had described the international community had a moral obligation to engender a culture of tolerance and respect for the rights of each individual.

58. Mr. OMAR (Ethiopia) said that despite significant achievements in the protection and promotion of human rights and fundamental freedoms, gross violations of human rights continued unabated. The Commission should adopt a more balanced approach and consider violations not only of civil and political rights, but also of economic, social and cultural rights. It should also consider the question of how to prevent violations of human rights in greater detail. To that end, the efforts of the High Commissioner for Human Rights had been exemplary.

59. Since the fall of the tyrannical military regime in Ethiopia in 1991, a new era of peace and stability had been ushered in and progress had been made in the process of democratization and the protection and promotion of human rights. A new federal Constitution had been adopted by the democratically-elected Constituent Assembly on 8 December 1994. The Constitution introduced a parliamentary form of government with a federal parliament and councils in the nine states making up the federation. Under article 13 (2), the Constitution guaranteed fundamental human and democratic rights. The rule of law had been duly established in accordance with internationally recognized rights and fundamental freedoms.

60. The Constitution also guaranteed the rights of each nation, nationality and peoples to self-determination, including the right to secession and the inalienable right to promote their culture and history, use and develop their language, and administer their own affairs within their own territorial confines. The Constitution also sought to overturn the inequality and discrimination which had been suffered by women in Ethiopia over the centuries, and to grant women full equality with men in political, economic and social activities. It also guaranteed the right of women to be protected by the State from harmful customs and practices.

61. The Constituent Assembly had decided that national elections for the establishment of a democratic government, marking the end of the transitional process, would be held in May 1995. In accordance with article 21 of the

Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights, the peoples of Ethiopia would be able to participate fully in the government of their country.

62. Since the fiftieth session of the Commission, the trial had opened of officials of the former Provisional Military Council (the Dergue) accused of war crimes and crimes against humanity, including genocide. The Special Prosecutor had indicated that he was in possession of evidence supporting the charges, in the form of documents, testimony, exhibits and forensic reports. The trial had been attended by local and foreign observers, including representatives of Amnesty International, the International Commission of Jurists, journalists, and relatives of both the victims and the defendants. The trial was contributing to the worldwide effort to combat the impunity of perpetrators of human rights violations.

63. Mr. PIRZADA (Pakistan) said that although the international community had made momentous strides in the promotion and protection of human rights there was still much to be done. Nowhere was that more evident than in Bosnia and Herzegovina, where aggression and ethnic cleansing must be reversed and genocide and rape punished. Similarly, there was concern at the massive Russian military action in Chechenya, which had led to thousands of civilian casualties and wanton destruction. A political solution was essential on the basis of respect for international law and the fundamental human rights of the people of Chechenya.

64. With regard to Indian-held Jammu and Kashmir, the situation deserved the priority attention of the Commission and the world community for three reasons in particular: the grievous human suffering in the region; the potential for igniting another conflict in south Asia; and because Kashmir represented a litmus test for United Nations human rights machinery. Systematic violations of human rights in Kashmir had been widely documented in the reports and testimony of several international human rights bodies, including Human Rights Watch, Asia Watch and Amnesty International. The world community was deeply concerned at those massive violations and many countries had sought to persuade India to halt its cruel repression. The crisis in Kashmir was the consequence of the denial of the right to self-determination of its people. Kashmir was not, and never had been, an integral part of India. Even the so-called Instrument of Accession had been shown by scholars to be fraudulent. In any event, acceptance of the Instrument of Accession by India had been conditional and subject to a decision of the people of the State. The Security Council had set up an impartial commission to mediate a solution. That commission had recommended that the future of the State should be determined by its people through a United Nations-supervised referendum. That recommendation had been approved and formalized in Security Council resolution 47 (1948) but had never been put into effect.

65. All the so-called elections held in Kashmir had been rigged, including those of March 1987. Less than 3 per cent of the people of Kashmir had even taken part in the elections of November 1989. India's proposal to hold new elections in Kashmir was designed to deflect international pressure against the ongoing repression by India and to divide the Kashmiri political leadership.

66. The allegations made by India that Pakistan was responsible for abetting terrorism in Kashmir were untrue, as were the allegations of interference by Pakistan. If India maintained its allegations, it should accept Pakistan's proposal to verify them by increasing the number of United Nations observers and stationing them on the Indian side of the Line of Control. Pakistan was a major target of terrorism planned and financed by India's intelligence agencies. The true representatives of the Kashmiris from both Azad Kashmir and Indian-held Kashmir had met in Geneva on 23 February 1995. They had presented a memorandum on human rights violations in Jammu and Kashmir which had been circulated to the Commission.

67. It was to be hoped that the international community would, in the interests of the human rights of the people of Kashmir, prevail upon India to: withdraw its huge military and paramilitary forces from Jammu and Kashmir; repeal the Terrorist and Disruptive Activities (Prevention) Act, the Armed Forces Special Powers Act and other draconian laws in Kashmir; release all Kashmiris who had been imprisoned by Indian forces and were being held within Kashmir or India; and ensure full and free access to all parts of Indian-held Jammu and Kashmir by the High Commissioner for Human Rights and other representatives of international human rights bodies.

68. Pakistan had initiated talks at the Foreign-Secretary level with India. However, before dialogue could be successful, India must seriously address the dispute in Kashmir. A dialogue for peace was incompatible with the continued use of force by India to crush the Kashmiri freedom struggle.

69. Mr. TARZI (Organization of the Islamic Conference) said that respect for human rights was intrinsic to Islam, Islamic values and Islamic thought. His Organization (OIC) was doing its utmost to improve coordination and cooperation among its member States in the field of human rights.

70. The OIC was concerned at the violation of fundamental human rights in several areas of the world. First, the Republic of Bosnia and Herzegovina had been subjected to brutal Serbian aggression and suffered human rights violations on a scale unprecedented in recent world history. Unfortunately, genocide and aggression had not prompted responses from the international community commensurate with the gravity of the crimes which were being committed by the Serbs. The inherent and inalienable right of the Republic of Bosnia and Herzegovina to individual and collective self-defence had been arbitrarily forfeited by the maintenance of an illegal and unjust arms embargo. The conflict had not been ended, the war criminals had not been punished and the Bosnian people had not been given adequate protection. The United Nations-designated safe areas continued to be the target of fierce attacks by the Serbs. Plans for a political settlement had come and gone without any impact. The OIC was ready to cooperate with the International Contact Group in its efforts to establish peace with justice in Bosnia and Herzegovina. The OIC was also concerned at the continuing denial of human, civil and national rights of Albanians in Kosovo and the massive human rights violations of non-Serbs in the Sandjak and Vojvodina areas.

71. With regard to Israel, repressive policies and practices continued against the Palestinian people in the occupied territories. The construction of new settlements, the partitioning of the Ibrahimi Mosque in Hebron, the

cordoning-off of Gaza and Jericho, and economic measures against the Palestinian people were among the methods being used with the specific aim of creating difficulties for the Palestinian National Authority and frustrating aspirations for peace in the Middle East. The OIC had supported the Middle East peace process and hoped that it would continue and that Israel's commitments would be observed in good faith. A just and comprehensive peace in the Middle East required the withdrawal of all Israeli forces from occupied Palestinian and Arab territories and the restoration of the rights of the Palestinian people, including their inalienable right to self-determination and the establishment of an independent State on their homeland with Al-Quds al-Sharif as its capital.

72. In Jammu and Kashmir, Indian military and paramilitary forces were waging a brutal campaign to suppress the popular Kashmiri uprising against Indian occupation. Massive military force was being used indiscriminately against Kashmiri towns and villages. The reports of several reputable international humanitarian bodies had documented the killings, arson, rape, mass arrests, torture and other human rights violations by the Indian security forces. The numerous appeals made by the OIC to the Government of India to exercise restraint had gone unheeded. An OIC fact-finding mission had not been allowed to visit Indian-occupied Kashmir.

73. With regard to the conflict in the Republic of Chechenya, the brutal assault by Russian military forces on Grozny had been accompanied by the massive shelling of civilian centres. There had been thousands of civilian casualties and Chechens had been forced to abandon their homes as another tragedy of vast humanitarian dimensions unfolded. The Commission should take effective steps to protect the fundamental human rights of the people of Chechenya. The Russian Federation should end its military campaign and seek a peaceful solution to the crisis.

74. The aggression by the Republic of Armenia against the Republic of Azerbaijan had resulted in the occupation of more than 20 per cent of Azeri territory, the displacement of more than 1 million Azeri people and enormous humanitarian problems. The OIC had repeatedly called for a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of States and the inviolability of internationally recognized frontiers.

75. The situation of Muslim minorities and communities in some parts of the world also remained a matter of serious concern to the OIC. It was to be hoped that not only the Commission but also the Sub-Commission on Prevention of Discrimination and Protection of Minorities would pay due attention to the problem of discrimination against Muslim minorities in certain countries.

76. Mr. OULD MOHAMED LEMINE (Mauritania) said that the World Conference on Human Rights had clearly reaffirmed the principles of the universality, indivisibility and interdependence of human rights. However, debates in the Commission tended to focus on certain categories of rights to the detriment of others, including economic, social and cultural rights. The Vienna Declaration and Programme of Action had exhorted the international community to treat all human rights equally.

77. Turning to the human rights situation in Rwanda, he said that the acts of genocide and massacres carried out there were unprecedented. Although the Commission had agreed that the problems in Rwanda were essentially of a political nature, and therefore within the remit of the Security Council, the Commission could play a useful role at the present stage by helping the people of Rwanda to overcome the traumas they had suffered, and encouraging a culture of reconciliation, tolerance and respect for human rights. It could also help the Government of Rwanda to consolidate peace, lay the foundations for a State based on the rule of law and rebuild the country.

78. The situation in Bosnia and Herzegovina remained of great concern. A war of aggression was being waged by one State Member of the United Nations against another, with the object of eliminating the major part of its population. Not only had the international community failed to protect that country and its people, but it had deprived them of their legitimate right to self-defence by imposing an arms embargo. Three years after the beginning of the conflict, the Bosnian people were still suffering: 70 per cent of their territory was still occupied, and their capital and other towns were under permanent bombardment. Instead of taking a strong stand, the international community was continually revising its peace plans in order to placate the aggressor.

79. The Bosnian conflict would continue to be seen as resulting from the failure of the United Nations to fulfil its responsibilities in defending a Member State whose sovereignty had been continuously violated, despite its appeals to the international community for protection. Although it could be argued that it was not for the Commission to take the decision to remedy that situation, it could at least indicate the course to follow in order to end the suffering of the people and protect their human rights.

80. Mr. GODWYLL (Ghana) said that unfortunately the Commission's efforts had not prevented systematic and massive violations of human rights around the world. On the contrary, such violations had increased, and nations continued to be torn apart by racism, xenophobia and intolerance, evils which had manifested themselves in their most barbaric form in ethnic cleansing in the former Yugoslavia and genocide in Rwanda.

81. The fears of some States that, in examining the question of human rights violations in specific parts of the world, the Commission would not be objective or that its actions would constitute interference in States' internal affairs had been to some extent allayed by the adoption of the Vienna Declaration and Programme of Action in 1993. His delegation welcomed the suggestion that the High Commissioner for Human Rights should submit a report at each session of the Commission on the state of human rights in the world; that should help to reassure the countries named that they were not being singled out for condemnation for political motives. Such countries should accept that it was they who bore responsibility for meeting the standards set by the international community in human rights matters.

82. Although Ghana had had its share of human rights problems, he was proud to state that respect for human rights was now firmly entrenched in the Constitution, and that a commission on human rights had been set up to ensure that human rights and fundamental freedoms were promoted and protected.

Ghana's belief that the promotion and protection of human rights and fundamental freedoms was a legitimate concern of the whole international community had led it to join with other members of the Economic Community of West African States (ECOWAS) in sending a peacekeeping force to Liberia following the outbreak of an armed conflict which had led to the collapse of all political institutions. Five years later, ECOWAS was still grappling with the problem of finding durable solutions to the Liberian imbroglio. Ghana's involvement was proof of its commitment to meeting its international responsibility to prevent human rights violations wherever they occurred.

83. However, his delegation believed that in dealing with such violations political issues should not be lost sight of, and accordingly commended the Security Council's decision to send a mission to Burundi and Rwanda to seek ways and means of supporting a political reconciliation. Politics were a factor in human rights situations, and it was the duty of the Commission to say so. Once it had fulfilled its own mandate, it could either hand over responsibility to other organs of the United Nations or continue to work alongside them to address human rights issues.

84. Finally, all should recognize that human rights were closely linked with peace and security. The Commission should not remain silent on known human rights violations if it was to contribute to the success of a future international system of governance.

85. Mr. BIJEDIC (Observer for Bosnia and Herzegovina) said a campaign of genocide against the peoples of Bosnia had been waged by Serbia, Montenegro, the former Yugoslav People's Army and rebel Bosnian Serbs for almost three years. The United Nations safe zone of Bihac, which was inhabited by 300,000 people, had been under continuous attack for several months. Only some 7 per cent of humanitarian aid destined for the zone had been received in the past year, and in a period of two months more than 50 children had died for lack of food and medicaments. Despite the efforts of the Special Rapporteur, the campaign of genocide had continued unabated.

86. Unfortunately, many member countries of the Commission stubbornly refused to admit the truth of the situation. They argued that all parties involved bore equal blame, since the war was a civil conflict, the culmination of centuries-old animosities in Bosnia and Herzegovina. They also argued that it was impossible to contemplate a mixed community in future and that the creation of statelets for each of the three largest ethnic groups was therefore inevitable. The Western media, notably Le Monde, were presenting a picture of Bosnian Muslims as radicals or even fundamentalists. Orchestrated attacks were being made on Bosnian leaders, and the Federation of Bosnians and Croats, which represented the first significant step in the reconciliation and democratization process, was also under attack.

87. The integrity of the Republic of Bosnia and Herzegovina, which was an established fact, was being denied by members of the Contact Group and NATO, which had adopted the curious formula "parallelism of rights . Under that formula, Serbs from Pale and their mentors in Belgrade were being given an opportunity to legitimize their campaign of aggression and genocide through the setting-up of a confederation joining the so-called Republic of Srpska, Serbia and Montenegro. The next phase would be union with Greater Serbia by a

plebiscite, and the last phase would undoubtedly be a "final solution" for Albanians, Bosnians, Hungarians, Croats and other minorities in Vojvodina. It seemed that key countries were deliberately avoiding the crucial step of halting aggression and genocide on the territory of the former Yugoslavia and punishing those responsible.

88. The principles of the Charter, and also the principles enshrined in other key instruments and resolutions of the Security Council and General Assembly, were being flouted. The Commission should ask itself why atrocities in so many parts of the world were being allowed to continue and why it was being placed in an untenable position. As had been pointed out by the Australian representative, two thirds of humanity lived in multi-national, multi-cultural environments and tolerated each other's differences; Bosnia had until now been a model of a successful multi-ethnic society. His Government firmly believed that nations could not bear a collective guilt for crimes committed by individuals, that reconciliation between peoples was possible, and that a just and lasting peace could be achieved. The prerequisites for such a peace were that crimes against humanity should not be legitimized, even implicitly, that anti-democratic movements should not be given credence or support, and that the seed of the world's worst political plague, fascism, should never be given fertile ground on which to breed.

89. Unfortunately, since the beginning of the so-called peace process, the mediators had continued to maintain that Bosnia and Herzegovina should be partitioned because they were not willing to intervene to halt fascism. For as long as such policies continued, and the international community failed to agree, genocide, as well as the destruction of cities, cultures and environments, would persist not only in the former Yugoslavia but also in other parts of the world. Even international humanitarian organizations had been forced into a kind of neutrality and did not "take sides" in the conflict, and as a result displaced Serbs were getting help in a few hours while Bosnians had to wait for months.

90. The Commission would never move from words to deeds until such time as the international community did in fact take sides, and until such time as it supported right and punished wrong, so that the Security Council could become a genuine platform for democracy in the world.

91. Mr. AMINE EL KHAZEN (Observer for Lebanon) said that the Commission, in resolution 1994/83 of March 1994, had expressed great concern at the continuation of the arbitrary practices of the Israeli occupying forces, which constituted a flagrant violation of the Charter and the principles of international law. In the same resolution, it had condemned Israeli human rights violations in southern Lebanon and West Bekaa, and called on Israel to implement Security Council resolutions 425 (1978) and 509 (1982) calling for the immediate withdrawal of Israel from all occupied Lebanese territories and for respect for Lebanon's sovereignty and territorial integrity.

92. Israel had paid no attention to that resolution. It had in fact increased its military operations, and southern Lebanon was exposed almost daily to random shelling by heavy artillery and from the air. Those raids killed and injured hundreds of innocent victims, including women, children and the elderly, and destroyed properties and farmlands, making thousands

homeless. In addition, Israel continued to make arbitrary arrests under the pretext of security. Currently, over 200 Lebanese citizens were in prison, where they were being subjected to all forms of harassment and even torture. The Commission had repeatedly called on Israel to release all prisoners, and to allow ICRC and other humanitarian organizations to visit detainees, but Israel had turned a deaf ear to those appeals.

93. His delegation called on the Commission to continue its efforts in the defence of the human rights of Lebanese citizens. Lebanon had agreed to enter the peace negotiations in the hope that they would achieve a just and comprehensive peace in the Middle East, but no peace could be achieved if Israeli aggression continued.

94. In conclusion, he expressed his delegation's appreciation for the work done by ICRC to alleviate the suffering in the area, and for the peace-keeping efforts of the United Nations Interim Force in Lebanon (UNIFIL).

95. Mr. MACRIS (Observer for Cyprus) expressed regret that no progress had been achieved in the course of the past year on the problem of human rights in Cyprus. Efforts to reach agreement on a package of confidence-building measures had failed due to the negative stance adopted by the Turkish side; and recent meetings between the President of Cyprus and the leader of the Turkish Cypriot community had shown that that community was not willing to be flexible on any of the issues involved.

96. Massive, grave and continuous human right violations had been perpetrated by the Turkish regime following its invasion of Cyprus in 1974. It continued to prevent some 200,000 Greek Cypriots from returning to their homes in the occupied zone and pursued a policy of harassment, racial and discrimination against the few who remained. In violation of the European Convention on Human Rights, Turkey continued to distribute "title deeds" to properties owned by Greek Cypriots to Turkish settlers, thousands of whom were now being brought in from mainland Turkey to replace the indigenous population. The occupying Power, as part of its policy of "Turkifying" the occupied zone of Cyprus, was deliberately destroying the country's historical and cultural heritage, vandalizing churches, desecrating cemeteries, looting antiquities, and even changing the names of villages and towns.

97. In conclusion, he stressed that human rights violations should be condemned wherever they occurred. The Commission's authority and credibility would be undermined if it adopted a selective approach in dealing with such violations.

98. Mr. KHOURY (Observer for the Syrian Arab Republic) recalled that when the Commission had adopted resolution 1994/83 on the situation of human rights in southern Lebanon, only one delegation had cast a negative vote. Since then, Israel had ignored the clear appeals contained in the resolution and had continued its traditional policies of flouting United Nations decisions and the appeals of the international community. It had pursued its human rights violations and even added to the roster, with kidnappings, the use of prohibited weapons and the shelling of civilian targets. As the observer for Lebanon had pointed out, even hospitals and places of worship were not spared shelling and bombing. Hundreds of innocent victims had been killed and thousands displaced because their homes had been destroyed and crops burned. The latest episode of aggression, illustrating Israel's expansionist ambitions

in southern Lebanon, was its imposition on much of the Lebanese coast of a sea blockade which had adversely affected freedom of navigation, access to Lebanese ports and the livelihood of fishermen.

99. The pretext for such actions was not, as Israel claimed, its own security concerns, but rather the defence of its clients in southern Lebanon - the so-called "South Lebanon Army", a puppet organization that had begun to collapse following attacks by the Lebanese resistance.

100. The Commission was once again requested to condemn continued Israeli violations of human rights in southern Lebanon and west Bekaa, and to demand that Israel comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and with Security Council resolution 425 (1978), and that it respect the sovereignty, independence and territorial integrity of Lebanon.

101. Mr. JIN Yongjian (China), speaking in exercise of the right of reply, said that France, on behalf of the European Union, had taken the role of international judge in making sweeping statements about the human rights situation in developing countries. China, as the most populous developing country, had been one of the targets of those criticisms. Special reference had been made to Tibet: it had been claimed that the religious and cultural identity of that people was under threat and that its historical heritage had been destroyed.

102. Tibet was an integral part of Chinese territory and its inhabitants enjoyed all the civil rights provided for in China's Constitution, as well as the right to autonomy in accordance with Chinese legislation on minority regions. The Tibetan people were indeed fortunate when compared with the ethnic minorities residing in France. Had any of those minorities preserved their language, culture, religion or nationality as well as Tibetans? True, Tibet today was strikingly different from what it had been before the democratic reforms; serfdom had been abolished and living standards improved. Perhaps France regarded serfdom as reflecting the indigenous culture, religion and nationality of Tibetans; if so, then it was true that the human rights of that people had been repressed. Yet the fact was that serfdom had been abolished at the request of millions of former serfs.

103. France itself had committed atrocities in the past; it had massacred thousands in Asia and Africa. Even today, discrimination against ethnic minorities was still prevalent in France. Historic artefacts plundered from the countries of Asia were to be found in the Louvre. If France and its allies were truly concerned about human rights in developing countries, they should return those avatars of religion and nationality and should pause and reflect on their own past crimes.

104. Mr. TABATABAEE (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that he wished to address the statement made by France on behalf of the European Union. He was not surprised to see yet another example of lack of objectivity by the European Union in criticizing other countries. Political considerations and bilateral relations overwhelmingly determined what was said about countries and the way the human rights situation was represented. The far from impartial attitude of the European Union only intensified the politicization of the Commission's work and was detrimental to achievement of its objectives.

105. Mr. GUANCHE (Cuba), speaking in exercise of the right of reply, said the speaker for the European Union seemed to have been trying to set a new record for around-the-world travel. He had called at the ports of 17 members of the Commission, all of them except Chechenya developing countries. Yet he had omitted to mention the visits made by the High Commissioner for Human Rights in 1994 to over eight countries of the Old World. In future, the speaker should adopt a more constructive position when discussing human rights in various countries. The way the Commission's work was going, it would soon consist of only 10 developed States of the West, and it would be interesting to see whether they would start criticizing each other for lack of better targets.

106. Carried away by his erudition, the speaker for the European Union had neglected to say anything about the "civilized" Old World. No matter how inferior the countries, races and cultures of the developing world might appear to the European Union, the better part of valour would have been to mention its own defects. The Union's confining walls, which enabled it to criticize developing countries left and right while blocking their access to the self-centred prosperity and well-being of the developed world, served as a forum for colonialist slander, xenophobia and racism.

107. In their acquisitive crusades for the new world order, the countries of the European Union should avoid calling at Cuban ports. They should eschew the role of accomplice and stop parroting ideas that were not their own and only served the narrow interests of those who had promoted the Marshall Plan. Such a position would be more salutary for the credibility of the positions and aspirations of the European Union in the contemporary world.

108. Mrs. SABHARWAL (India), speaking in exercise of the right of reply, said her country was deeply disappointed and saddened by the statement of the representative for the Organization of the Islamic Conference (OIC). It was disappointed that the statement ignored the fact that the current disturbed conditions in Jammu and Kashmir were the result of external involvement in terrorist activities directed against India, whose alleged human rights violations were grossly exaggerated. It was saddened by the fact that the OIC had allowed itself to criticize a country that was home to the second-largest Muslim population, one in which Muslims were valued and equal participants in national life. The OIC's suggestion of a fact-finding mission to Jammu and Kashmir was unacceptable.

109. The fact that a large number of foreign tourists, journalists, diplomats and parliamentarians had visited Jammu and Kashmir in 1994 proved that there was no problem with access to that region. Jammu and Kashmir was an integral part of India, and the validity of its accession to India, both in legal terms and through popular will, was beyond doubt. It was widely acknowledged that a campaign of unparalleled terror had been unleashed against India. Thousands of terrorists - inspired, trained, financed and armed from across the border - had sought to rip apart the secular fabric and democracy which had flourished for decades in Jammu and Kashmir. It was India's security forces, and not the terrorists, who were truly seeking to protect human rights, the rule of law and democracy. They were doing so with a measure of restraint rarely witnessed in similar situations throughout the world.

110. The OIC's concern for the security of Muslims would best be served by stopping the cross-border terrorist activity that had caused over 50,000 Muslims to flee - not across the border, but to other parts of India, which demonstrated that they had a sense of security in that country. In India there could be no threat to the Muslim community, because the country's traditions and institutions guaranteed complete equality and respect for citizens of all religious faiths and the Muslim community played a vibrant part in national life.

111. Her Government was keen to enhance its links with the OIC and would continue to take a number of initiatives to that end. Such an approach was in the interests of both India and the OIC and would help create a climate of better understanding.

112. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said Kashmir was a disputed territory. It was referred to in the report of the Secretary-General for 1994 as one of the oldest unresolved conflicts still on the United Nations agenda. It was not part of India, never had been and never would be.

113. The grave human rights violations there were not due to external influence. In a previous statement to the Commission, the Indian representative himself had referred to the strong current of opinion in the valley of Kashmir demanding secession from India. The assertion that Indian security forces were protecting the human rights of the Kashmiri people was laughable: they were engaged in a campaign of brutal murder and mayhem. As to the treatment of Indian Muslims, under India's emergency laws 80 per cent of those arrested in the largest three States of India were Muslims. Muslims, however, made up only 30 per cent of the total Indian population. Over 200,000 Muslims had been killed in India.

114. Mrs. SABHARWAL (India), speaking on a point of order, requested clarification of the object of the Pakistani statement in exercise of the right of reply.

115. The CHAIRMAN informed the representative of India that a point of clarification did not qualify as a point of order.

116. Mr. KHOURY (Syrian Arab Republic), speaking in exercise of the right of reply, said the statement on behalf of the European Union had clearly demonstrated that European States sought to treat developing countries in a condescending manner. Apparently those countries were in need of re-education before they could understand human rights properly. One of the purposes of the statement was to focus the attention of NGOs on developing countries, thereby diverting attention from States that were the scene of mounting racism, neo-Nazism, xenophobia and the assassination of foreigners, including students. The European countries were likewise seeking to divert attention from their exports of toxic materials to developing countries.

117. He called on NGOs with headquarters in Europe to look around them closely for violations of human rights. When looking at violations in developing countries, however, they should keep in mind the economic and cultural difficulties faced by those countries in their march toward democracy.

118. The representative of France had indicated that there were human rights violations in the Syrian Arab Republic, but that some progress had recently been made: for example, the release of political prisoners. Such measures were not confined to the recent past: presidential decrees had long been promulgated to allow the release well-behaved prisoners after they had served half their sentence.

119. If the European Union truly wished to promote respect for human rights, it should recognize that political decisions alone were not involved; economic and social factors also come into play. His Government intended to continue along the road to democracy and needed no one to guide its steps.

120. Mr. MAYE NSUE (Observer for Equatorial Guinea), speaking in exercise of the right of reply, said France was one of the few developed countries that had a good understanding of Africa and supported his country's budding democracy. The views of the European Union on his country were of great importance, but he wished to clarify a number of points.

121. Equatorial Guinea was a sovereign State governed by the rule of law and respected fundamental human rights. As such, it should be viewed as being capable of adapting to the exigencies of the modern world. The fact that in colonial times no culture of human rights had been instilled in his country obstructed its progress towards democracy today. It was easy to criticize destructively; constructive criticism was much more hard to come by.

122. A report and a draft resolution concerning his country would soon be before the Commission. His Government and social organizations in Equatorial Guinea hoped that the United Nations and the Centre for Human Rights would provide their promised technical assistance. Equatorial Guinea had some advantages over other African countries in that it had carried out constitutional reforms, permitted the return of political opposition members and legalized a number of political parties. The country had taken charge of its own destiny, and the international community should endeavour to view it as objectively as possible.

123. Mr. ELDIN YOUSIF HAMID (Sudan), speaking in exercise of the right of reply in connection with the statement made by France on behalf of the European Union, said his Government rejected the allegation that its forces had shelled civilian centres in the south of the country. The military operations that Sudanese army units were forced to undertake were directed at active and armed rebel factions. Putting an end to the rebellion in the south was the only way to ensure that the majority of the population there were able to enjoy their fundamental rights.

124. Negotiations to reach a political settlement were one of the priorities of his Government, which expected the international community in general, and the European Union in particular, to welcome those serious attempts to achieve a peaceful solution. The Government had frequently and unilaterally declared cease-fires and would continue to pursue negotiations with the rebel factions. The silent majority of residents of the south were already reaping the fruits of those efforts to stabilize the situation.

The meeting rose at 10.10 p.m.